

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 16 October 2012

Subject: Revised Training Requirements for all Hackney Carriage & Private Hire driver applicants

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. At its meeting in June 2012, the Licensing Committee withdrew the requirement for all existing Hackney Carriage and Private Hire drivers and applicants to achieve the NVQ/VRQ qualification for road transport passenger skills. The committee also accepted the recommendations of the NVQ/VRQ working group and asked officers to carry out a public consultation on proposals for an alternative course to be delivered in-house for new applicants only.
2. Since that decision was made, it has become apparent that some funding is once again available for the NVQ/VRQ, but it is uncertain how long this funding will last.
3. This paper includes the results of the consultation and makes proposals for two main alternatives for delivering an in-house training package, with further proposals that should applicants wish to achieve the NVQ/VRQ instead of the in-house course, that be accepted as an alternative qualification, and that existing drivers would only need to attend the new in-house course in the event of a substantiated complaint or conditions breach.

Recommendations

4. That the completion of an in-house course as set out at appendix A be adopted as a pre-condition for Hackney Carriage and Private Hire drivers prior to grant of a licence.

5. That this in-house course is provided by the Council's Transport Services.
6. The cost of the training and testing program is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for remedial training who are existing licence holders.
7. The requirement to undertake the in-house training program would apply to those applicants whose application is received after 31 January 2013.
8. Existing drivers would only need to attend the new in-house course in the event of a substantiated complaint or conditions breach.
9. Applicants who had already attained the NVQ/VRQ, or can demonstrate they are studying towards achieving the NVQ/VRQ would be exempt from the requirement to undertake the new course. Those studying towards the NVQ/VRQ would have until the date of renewal of their licence to complete the course, otherwise will have to attend the in-house course at the next available opportunity.
10. A Leeds City Council certificate of achievement will be awarded to successful applicants on completion of the in-house course.

1 Purpose of this report

- 1.1 To enable Members to discuss the results of the public consultation and options for delivering an in-house training program.
- 1.2 For Members to consider whether the NVQ/VRQ should continue to be accepted as an alternative qualification to completing the new in-house course.

2 Background information

- 2.1 Following a report to the Licensing & Regulatory Panel in September 2008 all drivers were required to undertake NVQ/VRQ assessment within the first year of their Hackney Carriage or Private Hire driver licence as a prerequisite to the renewal of that licence.
- 2.2 A Working Group was established to review the requirement when it became apparent that funding for the NVQ/VRQ had been reduced and drivers were encountering difficulties securing a fully funded course to attend.
- 2.3 In June 2012 the Licensing Committee decided to withdraw the requirement to undertake the NVQ/VRQ assessment following the recommendations of the Working Group. The removal of funding and the relatively high cost of the NVQ/VRQ were the reasons why the condition was reviewed and changed by Committee. The committee also asked officers to conduct a full public consultation on proposals to put in place a new in-house course to replace the NVQ/VRQ assessment.
- 2.4 The elements of the NVQ/VRQ programme considered by the Working Group to be essential from the recognised national qualification are set out at Appendix A.

Licensing Committee agreed that any in-house course would need to cover these elements.

3 Main issues

- 3.1 The results of the consultation are detailed in section 4.1 of this report and attached at appendices B and C. Appendix B summarises the responses we received through the council's public consultation portal, TalkingPoint. Appendix C details responses we received via correspondence.
- 3.2 Training and testing of applicants is currently undertaken within the Taxi & Private Hire Licensing Section in the form of a one day course which is a full time post for a Service Development Officer.
- 3.3 If the current training and testing regime was expanded to include the elements listed at appendix A, this would necessitate the employment of an additional SO2 Service Development Officer and C2 administrative assistant to service the course. The cost of these additional posts is £50,857 per annum. The council receives, on average, 643 new applications per annum. Therefore cost to new applicants would be £79 which is the cost of the additional posts shared across the average number of new applicants.
- 3.4 Officers have also consulted with the council's Transport Services section, who currently provide in-house training for disability awareness for new hackney carriage drivers. Transport Services have said they can enhance their existing training to include the elements at appendix A. New hackney carriage driver applicants currently pay £40 to attend the disability awareness course and this fee would increase to £55 to cover the additional elements in appendix A. This represents an increase of £15 per hackney carriage driver. As private hire drivers do not currently receive the disability awareness training (except on request where they drive a wheelchair accessible private hire vehicle) this would be a new fee of £55 for those drivers. If Transport Services provided the in-house course it would remove the need for Taxi and Private Hire Licensing to recruit additional staff and would be a cheaper cost to all drivers.
- 3.5 Whilst carrying out the consultation officers were informed that some funding had once again been made available for NVQ/VRQ places. It is unclear how long this funding will last, but it does present an opportunity for some applicants to obtain a nationally recognised qualification at no cost to themselves. The in-house course, although covering all the elements listed at appendix A and providing a certificate of achievement, will not provide a nationally recognised qualification. Officers recommend that if a new applicant can provide evidence that they have enrolled on a NVQ/VRQ qualification for road transport passenger skills that includes all the elements listed at appendix A, they be exempt from attending the in-house course and the NVQ/VRQ certificate is accepted as an alternative. Evidence required would be a letter from the training provider confirming the applicant had been enrolled on the course. It would be the applicant's responsibility to source, secure funding/payment and complete the course.
- 3.6 It is recognised that some new applicants may already hold the NVQ/VRQ accreditation. Existing NVQ/VRQ qualifications will only be accepted if they are no

older than 5 years. If the NVQ/VRQ qualification is over 5 years old new applicants will need to either attend another NVQ/VRQ course or the council's in-house course.

- 3.7 If a new applicant fails to achieve the NVQ/VRQ before the first renewal of their licence, they will be required to attend the next available in-house course at their own expense.
- 3.8 Officers also recommend that where there has been either a conditions breach or a substantiated complaint has been received regarding an existing driver, that officers can refer the driver to attend the in-house course at their own expense for remedial training.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Full public consultation was carried out from 5 July 2012 to 5 October 2012. Details of the results of the consultation are attached at appendices B and C. Appendix B summarises the responses we received through the council's public consultation portal, TalkingPoint. Appendix C details responses we received via correspondence.
- 4.1.2 In summary the vast majority of the public strongly agreed with the requirement for training and testing for applicants. Members of the trade who responded to the consultation also generally agreed with the proposals, but were cautious about the additional costs any in-house training would bring to new applicants. It was felt that any additional costs would need to be as low as possible and fully justified.
- 4.1.3 There was also a concern raised regarding applicants whose standard of English comprehension may not be sufficient to attend and understand the new in-house course. Members are reminded that as part of the current application process all applicants are assessed for their English comprehension skills and courses are offered to those applicants that fail to achieve the minimum requirements agreed by the Licensing Committee.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity Screening Assessment was undertaken. It is available as a background document.

4.3 Council Policies and City Priorities

- 4.3.1 A primary function of the Licensing Committee is to meet its statutory obligations in respect of public safety and to ensure that all drivers are "fit and proper" to hold a licence. That in turn contributes to safer communities and the well being of the city by providing a safer and more professional licensed driver. These proposals strengthen the controls in place to help increase public safety and ensure drivers are fit and proper to hold a licence.

4.4 Resources and Value for Money

- 4.4.1 The Taxi & Private Hire Licensing Section is self financing and must off-set any costs to the trades (in this case, new applicants, or those affected by recommendation 6.4). In that sense the 'value of money' test is in the Section managing its own finances but also ensuring proportionality in setting costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Licensing Committee is exercising its powers under the scheme of delegation in respect of the Local Government (Miscellaneous Provisions) Act 1976 by considering what proportionate pre-conditions it might place on the Hackney Carriage and Private Hire drivers prior to grant or renewal of a licence.

4.6 Risk Management

- 4.6.1 There is always a risk of challenge by way of Judicial Review at point of approval or when applied to an individual.

5 Conclusions

- 5.1 That the public consultation has given members of the public and the trade a full opportunity to express their opinion so that a fully informed decision can be taken by the Licensing Committee.

6 Recommendations

- 6.1 That the completion of an in-house course as set out at appendix A be adopted as a pre-condition for Hackney Carriage and Private Hire drivers prior to grant of a licence.
- 6.2 That this in-house course is provided by the Council's Transport Services.
- 6.3 The cost of the training and testing program is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for remedial training who are existing licence holders.
- 6.4 The requirement to undertake the in-house training program would apply to those applicants whose application is received after 31 January 2013.
- 6.5 Existing drivers would only need to attend the new in-house course in the event of a substantiated complaint or conditions breach.
- 6.6 Applicants who had already attained the NVQ/VRQ, or can demonstrate they are studying towards achieving the NVQ/VRQ would be exempt from the requirement to undertake the new course. Those studying towards the NVQ/VRQ would have until the date of renewal of their licence to complete the course, otherwise will have to attend the in-house course at the next available opportunity.
- 6.7 A Leeds City Council certificate of achievement will be awarded to successful applicants on completion of the in-house course.

7 Background documents

'Train to Gain' information document 'The NVQ system – who does what'

Equality and Diversity Screening Assessment

Hackney Carriage and Private Hire Driver Applicant Training and Testing Assessment Areas

Health and Safety – Passengers and Self	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Health & safety in the taxi and private hire work environment	GD+P
	Road safety when driving passenger in a taxi or private hire vehicle	T & T
	Road Traffic Acts – accident reporting	T & T
	Personal alarms and panic switches to base	GD+P
	Personal radio, private line contact	GD+P
	Security cameras and their privacy laws	GD+P
	Dataheads/GPS	GD+P
	Safety guards and screens	GD+P
	Limit the money carried	GD+P
	Four door security lock	GD+P
	Take in information by continually scanning the environment and using that information to plan a response	GD+P
	Fire Regulations	T & T

Appendix A

Hackney Carriage and Private Hire Driver Applicant Training and Testing Assessment Areas

Professional customer service and equality	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Maintaining punctuality, Honesty and truthfulness, Professional relationships	GD+P
	Providing safety and security for vulnerable customers	GD+P
	Corporate client accounts	GD+P
	Drive with care and consideration	GD+P
	Disability Discrimination Act 1995	T & T
	Race Relations Act 1976	T & T
	Health Act 2006	T & T
	Age	GD+P
	Race	GD+P
	Religious	GD+P
	Sexual orientation	GD+P
	Nationality	GD+P
	Gender and gender reassignment	GD+P
	Disability	GD+P
	Refusing a fare based on own personal prejudice	GD+P
	Refusing a fare without justification	GD+P
	Refusing a fare because of a persons disability	GD+P
	Making it unreasonably difficult or impossible for a customer to make use of any such service	GD+P
	Providing a service which is on inferior terms to that on offer to other members of the public	GD+P

Appendix A

Hackney Carriage and Private Hire Driver Applicant Training and Testing Assessment Areas

Customers who require assistance could include: Mobility, ambulant disabled and Hearing loss Blindness or partially sighted Physical injury Learning difficulties Disfigurement	GD+P
Health Act 2006	T & T
Satellite navigation	GD+P
Using maps and navigational aids	T & T
Transporting hospital goods under contract	GD+P
Transporting blood bank items between NHS locations	GD+P
Musical instruments	GD+P
Maintaining punctuality at stops and destinations	GD+P
Maintaining a communications link	GD+P + T & T
Knowing essential contact names and phone numbers	GD+P

Appendix A

Hackney Carriage and Private Hire Driver Applicant Training and Testing Assessment Areas

Local Authority Conditions	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Being a fit and proper person	GD+P
	Driver's licence	T & T
	Vehicle licence	T & T
	Group 2 medical examinations	GD+P
	Hire and reward insurance – public and private hire	T & T
	Misconduct, including inappropriate language or behaviour	GD+P
	Obstructing Authorised Officers	T & T
	Over charging	T & T
	Taxi – A licensed Hackney Carriage vehicle	T & T
	Residential nuisance – parking, use of horns etc	T & T

Appendix A

Hackney Carriage and Private Hire Driver Applicant Training and Testing Assessment Areas

National Legislation	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Local Government (Miscellaneous Provisions) Act 1976	T & T
	Town Police Clauses Act 1847	T & T
	Construction & Use regulations	T & T
	Data Protection Act	T & T

Appendix A

Hackney Carriage and Private Hire Driver Applicant Training and Testing Assessment Areas

Taxi & private hire vehicle maintenance and safety inspections	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Construction & Use Regulations	T & T
	Maintenance & safety checks	GD+P